

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**SB 35 – HB 576**

April 18, 2016

**SUMMARY OF ORIGINAL BILL:** Prohibits anyone convicted of or who pleads guilty to vehicular homicide by intoxication, Tenn. Code Ann. § 39-13-213(a)(2), from being eligible for probation.

**CORRECTED FISCAL IMPACT OF ORIGINAL BILL:**

Increase State Expenditures – \$57,200/Highest Projected Cost of Next 10  
Years/Incarceration\*

**SUMMARY OF AMENDMENT (016243):** Changes the effective date from July 1, 2015, to January 1, 2017.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

Increase State Expenditures –  
\$31,100/Incarceration\*/FY16-17  
\$62,200/Incarceration\*/FY17-18 and Subsequent Years

Assumptions for the bill as amended:

- Statistics from the Department of Correction (DOC) show a 10-year average of 35.6 admissions per year for vehicular homicide by intoxication, a Class B felony.
- Under current law, a person is eligible for probation if the sentence actually imposed is less than 10 years.
- Statistics from the DOC show that the average sentence received by someone convicted of vehicular homicide is 9.42 years and the average time served by someone convicted of vehicular homicide is 4.39 years. The average person convicted of vehicular homicide by intoxication is eligible for probation. It is assumed that one person every two years is convicted of vehicular homicide by intoxication and receives probation. The bill as amended will result in one person every two years serving 5.03 (9.42 – 4.39) years that would otherwise receive probation.
- According to the DOC, the average operating cost per offender per day for calendar year 2016 is \$67.73.

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- Population growth and recidivism will not impact this bill as amended due to the low number of admissions affected.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender every two years serving 5.03 years (1,837.21 days) for an annualized total of \$62,217.12 [(\$67.73 x 1,837.21 days) / 2].
- The effective date of the bill as amended is January 1, 2017. The increase in state incarceration costs in FY16-17 is estimated to be \$31,108.56 (\$62,217.12 / 2). The recurring increase in state incarcerations costs in FY17-18 and subsequent years is estimated to be \$62,217.12.
- The bill as amended does not create any new cases for the courts, district attorneys, or public defenders. It affects sentencing procedures. It is assumed that the courts, district attorneys, and public defenders can accommodate any impact within their existing resources.

*\*Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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